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NOTES OF CASES.

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COMMISSIONER'S REPORT—REVIEW—EXCEPTIONS.—Where the questions at issue are presented by the pleadings and proofs, no exception to a commissioner's report is necessary. *Lea v. Willis* (Va.), 43 S. E. 355.

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NOTICE—WRITTEN OR VERBAL.—Where a statute does not by express terms nor by fair intendment provide that an application or notice of a designated proceeding shall be in writing, verbal notice, if distinct and reasonable, will suffice. *Sinclair v. Quackenbush* (Va.), 43 S. E. 354.

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LIS PENDENS—DISCHARGE.—A notice of *lis pendens*, when once filed in a proper proceeding, cannot be cancelled by order of the court, on motion or otherwise, so long as the suit is pending and undetermined. *Jostlyn v. Schwend* (Minn.), 93 N. W. 705. Citing *Mills v. Bliss*, 55 N. Y. 139; *Beman v. Tode*, 124 N. Y. 114.

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SUNDAY LAWS—WORK OF NECESSITY.—For a butcher to sell meat to his customers on the Lord's day is held, in *Arnheiter v. State* (Ga.), 58 L. R. A. 392, not to be a work of "necessity or charity," within the exception of a statute forbidding any person to pursue his business or work on the Lord's day.

See *ante*, p. 763.

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INSTRUCTIONS—SCINTILLA DOCTRINE.—Where there is any evidence tending to make out a supposed case, of however little weight it may appear to be to the court, or however inadequate to make out the case supposed, an instruction predicated thereon should be given, if asked for, and if it propound the law correctly. *Richmond P. & P. Co. v. Allen* (Va.), 43 S. E. 356.

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NEGOTIABLE INSTRUMENTS—CERTIFICATES OF STOCK.—A certificate of stock of a corporation, expressed on its face to be transferable only on the books of the company at its office, personally or by attorney, on surrender of the certificate, and transferred in blank upon its back, is held, in *Farmers' Bank v. Diebold Safe & L. Co.* (Ohio), 58 L. R. A. 620, not to be a negotiable instrument.

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BANKS AND BANKING—TRUST FUNDS.—Money received by a banker from one about to lease property, to be kept as security for the performance of his undertaking to the property owner, is held, in *Woodhouse v. Crandall* (Ill.), 58 L. R. A. 385, to be held by the bank as trustee, and the bank is held to acquire no title to it as part of its general fund, although it mingles the money with its funds.

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NUISANCES—NOXIOUS GASES—RIGHTS OF ADJOINING OWNERS.—The owner of a dwelling-house, which he himself occupies as a home, is held, in *Swift v. Broyles* (Ga.), 58 L. R. A. 390, to be entitled to just compensation for the annoyance and discomfort occasioned by noxious gases and other harmful and injurious substances sent out into the air by the maintenance of chemical works on adjoining premises.